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COMMISSION ON HUMAN RIGHTS
Intergovernmental working group of
experts on human rights of migrants
Third session
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INFORMATION AND COMMENTS RECEIVED FROM GOVERNMENTS, UNITED NATIONS BODIES, SPECIALIZED AGENCIES, INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS

Report of the Secretary-General

ANNEX

Submission from the Government of Peru
dated 4 February 1998

GE.98-13098 (E)

The Permanent Mission of Peru to the United Nations Office and other International Organizations at Geneva presents its compliments to the Office of the United Nations High Commissioner for Human Rights and with reference to its Note No. G/SO 212/26(1) of 2 December 1997 has the honour to submit herewith the replies of the Government of Peru to the questionnaire on human rights of migrants.

It will be appreciated if the replies are forwarded to the Working Group on "Migrants and Human Rights" set up under Commission on Human Rights resolution 1997/15.

The Permanent Mission of Peru avails itself of this opportunity to renew to the Office of the United Nations High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 4 February 1998

QUESTIONNAIRE ON HUMAN RIGHTS OF MIGRANTS

1. Latest figures or estimates for:

- Total population, including non-nationals, by nationality of origin:

Total population estimated at 30 June 1996 23,946,779

Source: INEI (Instituto Nacional de Estadística e Informática)

- Non-nationals having authorization to work in the country - 1996 (Number included in total population) 10,796

Source: Ministry of the Interior (breakdown by countries given in annex)

- Number of nationals abroad by country of residence:

Total for period 1995-1997 364,688

Source: Ministry of the Interior (breakdown by countries given in annex)

- Non-nationals having authorization to work in the country

1990	25 753
1991	12 696
1992	12 910
1993	14 804
1994	16 287
1995	16 262
1996	15 305
1997	16 538

Source: Ministry of the Interior

- Estimate of irregular migrants, including visa abusers, by country of origin:

No information available.

2. Measures which are being taken to strengthen the promotion, protection and implementation of the human rights of migrants:

Legal measures:

The Political Constitution of Peru of 1993, in article 2 (2), establishes that every person had the right to equality before the law and that no one may be discriminated against on grounds of race, gender, language, religion, opinion, economic or any other condition. Paragraph 15 of the same article establishes every person's right to work freely, subject to the law, with no restrictions in the case of foreigners.

Our Constitutional rules guarantee the same rights and benefits for foreign workers as for domestic workers, as stipulated in Legislative Decree No. 689 and its Regulations, approved by Supreme Decree No. 014-92-TR. The purpose of these provisions was to facilitate the recruitment of foreign staff as a means of stimulating the development of private investment in productive and service sectors, with a view to creating new jobs.

The above-mentioned provisions state that the recruitment of foreign staff is subject to the common rules of private activity, which means that foreign workers enjoy the same rights and benefits as domestic workers, with no discrimination.

Public information and education:

With regard to this aspect and directly to persons who have not found employment, under Act No. 26772, job offers and access to public information and education may not include requirements which constitute discrimination, disregard for or impairment of the principle of equal opportunity and treatment, such requirements being understood to mean any not provided for by law, implying different treatment with no objective or reasonable justification, on any grounds whatever, such as race, colour, gender, religion, opinion, national or social origin, economic or political condition, civil status or age.

Provision of direct assistance and services; other measures, including bilateral and multilateral arrangements:

In article 29 (d) of the Single Enactment of the Law on Labour Productivity and Competitiveness, approved by Supreme Decree No. 003-97-TR, any dismissal based on discrimination on grounds of gender, race, opinion or language is null and void, which effectively prevents any job discrimination against workers who are already employed.

3. Manifestations of racism, xenophobia and other forms of discrimination against migrants in Peru:

- No information available.

Against Peruvians abroad:

- No information available.

4. Steps which are being taken to ratify the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families:

The ratification of this Convention is still under consideration by the Government of Peru.

International Labour Organization (ILO) Convention concerning Migration for Employment (Revised), 1949 (No. 97):

The ratification of this Convention is still under consideration by the Government of Peru.

ILO Convention concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers, 1975 (No. 143):

Ratification of this Convention is still under consideration by the Government of Peru.

Note by the Secretariat: The annexes have been archived by the Secretariat and are available on request.